

# **EXHIBIT #4**



**Holland  
Board  
of Public  
Works**

A  
Community  
Owned  
Utility

Electricity  
•  
Water  
•  
Waste  
Treatment

April 22, 2008

Mr. David C. Bender  
Garvey McNeil & McGillivray, S.C.  
634 W Main St, Suite 101  
Madison, WI 53703

**RE: Response to Freedom of Information Act Request 2 – Units 3, 4, 5**

Dear Mr. Bender:

Following is the required final response from the Holland Board of Public Works (HBPW) and the City of Holland in regards to your Freedom of Information Act (FOIA) request due April 22, 2008 (MCL 15.235). The Holland Board of Public Works response is denying a portion of the request because several records listed do not exist as described or any other name known to the HBPW, or, hardcopy is not available and the software is obsolete, or, HBPW does not participate in the program described.

Included with the records released will be:

Life extension / life optimization studies, evaluations, assessments, reports or any studies related to extending the life of, or increasing the reliability of any generating unit at the James DeYoung Generating Station since January 1, 1975.

Copies of correspondence, memoranda, discussion summaries, etc. regarding projects for the James DeYoung Generating Station Units 3, 4, and 5.

Project justifications and work orders for the requested work on James DeYoung Generating Station Units 3, 4, and 5.

Records requested and not included are:

Monthly Capacity Factors – *Do not exist*

Installing No. 44 high pressure heater tube bundle – *Project dropped*

Generating Availability Data System (GADS) outage data from 1985 through present – *Do not participate in GADS*

625 Hastings Avenue  
Holland, MI  
49423  
•  
Telephone  
(616) 355-1520  
Facsimile  
(616) 355-1530

Included is the invoice for the balance due after the credit of the good faith deposit. All records will be released in hard copy upon receipt of the balance due.

If you believe we have not made available what we know to exist, you may take the action quoted below as stated in Act 442 15 240 Section 10 (1):

"If a public body makes a final determination to deny all or a portion of a request, the requesting person may do one of the following at his or her option:



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- (a) Submit to the *City Manager or HBPW General Manager* a written appeal with the specific word "appeal" and identify the reason or reasons for the reversal of the denial.
- (b) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

Should you choose to seek judicial review of the denial of your request, you may have the right to receive attorneys fees and damages as provided in Section 10 of the Freedom of Information Act if, after judicial review, the Circuit Court determines that the City of Holland / Holland Board of Public Works has not complied with Section 5 of the Freedom of Information Act and orders disclosure of all or a portion of a public record."

Please feel free to contact either person listed below with any additional questions regarding this FOIA.

Respectfully,

A handwritten signature in black ink, appearing to read "Freda W. Velzen".

Freda W. Velzen, CPA  
FOIA Coordinator Designee  
Director of Finance

A handwritten signature in black ink, appearing to read "Loraly A. Bunce".

Loraly A. Bunce  
FOIA Coordinator Designee  
Records Management Coordinator

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•  
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Holland Board of Public Works  
625 Hastings Ave  
Holland MI 49423  
Phone: (616) 355-1520  
Fax (616) 355-1550

Attn: David C. Bender  
Garvey McNeil & McGillivray  
634 W Main St  
Suite 101  
Madison WI 53703

**INVOICE**

Invoice Number:	017537
Date:	4/22/2008
Customer ID:	GARVEYMCNE
Terms:	Net 30 days
Page:	1 of 1

Please note Invoice number on check

Description	Amount
Labor	723.14
Copies 2210 pgs. x \$0.10 each	221.00
Mailing Costs	17.90
Deposit paid on 4/8/08	-375.00
FOIA Request made on 3/31/08	0.00

  

Electric	Water	Wastewater	Administration	Total
587.04	0.00	0.00	0.00	587.04